

Remarks/Arguments

The Office Action Summary sheet and U.S. Patent and Trademark private PAIR system indicate the Office Action is non-final, while the *Conclusion* of the Office Action states the rejection is final. The applicants assert that the *Conclusion* is incorrect and that the Summary sheet and PAIR system are correct in view of MPEP 706.07(b) and (h) (Part VIII) which state that an action immediately subsequent to the filing of an RCE may be made final only if (in part) no new prior art is introduced and used for the first Office Action rejection. The current rejections are based on newly introduced prior art (JP4008143). If the Examiner believes the Office Action mailed December 19, 2005 to be final, applicants respectfully request reconsideration by the primary Examiner of the finality of the rejection of the last Office action according to MPEP 706.07(c) and (d).

The Examiner rejects claims 7-12 and 14. Claims 1-6, 13, 15-18 were previously cancelled. Claims 7 and 14 are currently amended. Claims 7-12 and 14 remain pending.

35 U.S.C. §103(a) (Claims 7-12 and 14)

The Examiner rejects claims 7-12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Fite et al. U.S. 2003/0123767 A1 ("the Fite publication") in view of Japan Patent No. 4008143 A issued to Fujii Yoshio ("the Fuji patent"). The applicants respectfully traverse the rejection of claims 7-12 and 14 for the reasons stated below.

Claim 7-9

The Examiner rejects claims 7-9 by stating that the Fite publication "disclose[s] the claimed invention except for said housing containing an armature and the bearing." (Office Action at p. 3) and that it would have been obvious to one having skill in the art at the time the invention was made to

provide "a housing containing an armature and the bearing as disclosed by Fujisaki since it would have been desirable in order to suppress the occurrence of turbulence." (Id.) The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness because the basis of rejection is not disclosed for at least one element.

While the applicants agree with the Examiner that the Fujisaki patent may teach the existence of a housing, armature and bearing, claim 7 also recites "a plurality of coaxial support elements, comprising a housing..." (Claim 7) (emphasis added) The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness because the Examiner has not asserted in the Office Action that it would have been obvious to one of ordinary art to provide a housing that is one of "a plurality of coaxial support elements..." (Claim 7, See Fig. 2) The applicants respectfully request withdrawal of the rejection of claim 7 for failure to properly communicate the basis for the rejection. (See MPEP 706.02(j))

Claims 8 and 9 depend from claim 7 and so contains each of its limitations. For at least the reasons stated above for claim 7, the applicants respectfully request withdrawal of the 103(a) rejection of claims 8 and 9.

The applicants have amended claim 7 for clarification purposes to correct the recited antecedent basis. Such amendment is one of form only and is not a narrowing amendment substantially related to patentability.

Claim 10-12

The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness because the basis of rejection is not disclosed for at least one element. The Examiner fails to address the elements in claim 10 reciting "redundant stators connected to an interior portion of said housing opposed to and in a complementary position with respect to said at least one rotor element." (Claim 10) Additionally, the applicants respectfully assert that the

prior art of record does not teach or suggest the use of "redundant stators *connected to an interior portion of [a] housing,*" (claim 10) (emphasis added) with the housing itself a "coaxial support element" (independent claim 7). The applicants respectfully request withdrawal of the rejection of claim 10 for failure to properly communicate the basis for the rejection. (See MPEP 706.02(j))

Because the basis of the rejection of the above elements is not presented and would be first presented in the next Office Action, the applicants respectfully assert that any further Office Action needs to be a non-final Office Action. (See MPEP 706.07(a))

Claims 11 and 12 depend from claim 10 and so contain each of its limitations. For at least the reasons stated above for claim 10, the applicants respectfully request withdrawal of the rejection of claims 11 and 12.

Claims 14

The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness and request withdrawal of the 103(a) rejection because the basis of rejection is not disclosed for at least the elements "inner and outer coaxial sleeves supporting said at least one fan blade." (Claim 14). The Examiner does not address these elements in his rejection of claim 14.

Because the basis of the rejection of the above elements is not presented and would be first presented in the next Office Action, the applicants respectfully assert that any further Office Action needs to be a non-final Office Action. (See MPEP 706.07(a))

Additionally, the applicants have amended claim 14 to recite "a fan housing having inner and outer portions, said outer portion adapted to guide said outer coaxial sleeve and said inner portion coupled to said motor winding." The applicants respectfully assert that neither the Fite publication nor Fujii patent teach or suggest such a fan

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housing and so respectfully request allowance of amended claim
14.

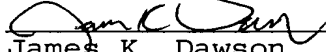
Conclusion

The applicants respectfully assert that the Office Action mailed December 19, 2005, is a non-final Office Action and that any further Office Action rejection needs to be a non-final Office Action because of the above-referenced omissions in the Office Action rejections.

Notwithstanding the above, the applicants believe that claims 7-12 and 14 are now in a condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: March 13, 2006

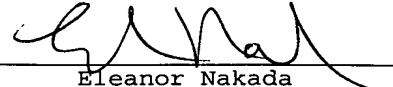
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3-13-06
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